

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #10	CCRB Case #: 202008075	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 11/21/2020 7:48 PM	Location of Incident: Washington Square North and 5th Avenue	Precinct: 06	18 Mo. SOL 5/21/2022	EO SOL 5/21/2022	
Date/Time CV Reported Sat, 11/21/2020 8:04 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/09/2020 10:53 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Anthony Gonzalez	00518	952793	PBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Allison Sprague	00889	953115	006 PCT
2. DT3 Ryan Glas	1407	944597	006 DET
3. POM Darnell Rayford	19675	941245	PBMS
4. SGT Greg Sanfilippo	04210	947705	PBMS
5. POM Jonathan Re	10902	920746	006 PCT
6. POF Nora Reade	21675	968701	006 PCT
7. CPT Christophe Treubig	00000	935869	006 PCT
8. CPT Chase Maneri	00000	945948	NARCB BX
9. POM Rasheed Quinn	03214	949519	PBMS
10. POM Brendan Gould	03552	953925	PBMS
11. POM Matthew Forsythe	01014	953875	PBMS
12. POM Michael Brenner	08077	960276	007 PCT
13. POM Eddie Perez	22433	928956	PBMS

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Gonzalez	Force: Police Officer Anthony Gonzalez struck § 87(2)(b) with a vehicle.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

On November 21, 2020, a 911 operator called the IAB Command Center, and relayed the following Level-2 use of force complaint by an unidentified individual on behalf of § 87(2)(b) filed under IAB #2020-27275 (**Board Review 01**). On December 9, 2020, the CCRB received this case from IAB, filed under IAB Log #2020-27807.

On November 21, 2020, at 7:48 p.m., during a Black Lives Matter Protest in the vicinity of Washington Square North and 5th Avenue in Manhattan, Police Officer Anthony Gonzalez of the Patrol Borough Manhattan South ("PBMS") Scooter Task Force ("SCTF"), struck § 87(2)(b) from behind with his NYPD scooter, causing him back pain, and then drove away (**Allegation A: Force-Vehicle**, § 87(2)(g)). § 87(2)(g), § 87(4-b)

§ 87(2)(b) was transported by ambulance to § 87(2)(b) wherein he provided a statement of the incident to Sergeant Allison Sprague of the 6th precinct, which she recorded with her BWC (**BR01**).

The investigation obtained video footage from (2) NYPD TARU cameras (**BR02-BR03**), and (77) NYPD Body-Worn Cameras ("BWC") (**BR04-BR10**). While none of the footage captured the allegation being investigated, Sgt. Sprague's BWC (**BR11**) captured her interviewing § 87(2)(b) about the incident. The investigation also obtained two cell phone videos captured by unidentified individuals and posted to social media, one of which partially captured the above allegation (**BR12**).

Findings and Recommendations

Allegation A—Force: Police Officer Anthony Gonzalez struck § 87(2)(b) with a vehicle.

Upon receiving this complaint, the investigation made multiple attempts to contact § 87(2)(b) at his previously confirmed phone number, and left several voicemail messages for him in regards. However, as of the date of this report, § 87(2)(b) has not responded to the CCRB's attempts to establish contact, or independently contacted the CCRB to provide testimony regarding this incident. As such, the investigation was unable to obtain § 87(2)(b)'s statement or his consent to release medical documentation. A decision was made to move forward with a full investigation based on the relevant BWC footage (**BR11**), cell phone video (**BR12**) PO Gonzalez's testimony (**BR13**) and the available NYPD documents in its analysis of the allegation above.

On November 21, 2020, at 7:48 p.m., an unidentified individual called 911, generating EVENT #§ 87(2)(b) (**BR14**), and initially reported that § 87(2)(b) had been assaulted by an officer near the intersection of Washington Square North and 5th Avenue in Manhattan. The unidentified 911 caller then added to their prior statement, and said that § 87(2)(b) had actually been struck by an officer on a moped, was lying on the ground and complained of back pain. The EVENT further noted that there was crowd of approximately 30 civilians on scene, and that § 87(2)(b) was removed by ambulance to § 87(2)(b).

Sgt. Sprague's BWC footage (**BR11**) captured her interview with § 87(2)(b) at § 87(2)(b) following the incident, wherein § 87(2)(b) provides the following statement. At the 1:00 minute mark of Sgt. Sprague's BWC (**BR11**), § 87(2)(b) states, "Alright, I was doing a comedy show, and I guess the protest must've came to the park. So, I was dispersing from the park, and as I was dispersing, I was with a group, I guess, they was protesters, and the police rode their mopeds up toward us. And they... They basically rammed me and kept going... And now, I'm here."

Beginning at the 1:50 minute mark, Sgt. Sprague begins asking follow up questions. § 87(2)(b), in response, tells Sgt. Sprague that he left Washington Square Park near 'the arch,' and began walking in the street, on Washington Square North, towards University Place, and that the group of scooter officers were parked opposite of 'the arch.' § 87(2)(b) further states that the group of scooter officers, "rushed everyone, they [rode] their bikes between the crowd, they didn't ask anyone to disperse." At the 3:10 minute mark, after Sgt. Sprague asks whether the scooter officers came from behind or in front of him and the group of protesters, § 87(2)(b) explains that the scooter officers initially came from behind them, but then the group of protesters turned around to face them. § 87(2)(b)

§ 87(2)(b) further states that rather than turn to face the scooter officers, he continued walking away, when one of scooter officers rammed him from behind with his scooter, making contact with the left side of his body, but did not cause him to fall. After the scooter officers drove away, § 87(2)(b) laid down and waited for the ambulance to respond. § 87(2)(b) states that the left side of his ribs and left foot are injured as a result of being struck by the scooter.

TRI #§ 87(2)(b) supervisor's assessment (**BR15**) prepared by Captain Christopher Treubig of the 6th Precinct, in regard to this incident, reported the following. Captain Treubig reported that, following the 911 calls regarding § 87(2)(b) being struck by an officer on a moped, officers from 6th Precinct attempted to respond to the scene and obtain a statement from § 87(2)(b) but were obstructed by a disorderly group of individuals. As a result, § 87(2)(b) was removed by ambulance to § 87(2)(b) before officers on scene could ascertain details. Captain Treubig instructed Sgt. Sprague to respond to the hospital and interview § 87(2)(b) in regards, which she recorded with her BWC (**BR11**). Captain Treubig further reported that video footage was obtained from unspecified social media accounts and from an unidentified independent witness that captured the incident and contradicted § 87(2)(b)'s account. Captain Treubig reported that the video footage showed § 87(2)(b) and four other individuals being combative and antagonistic toward the PBMS SCTF officers, as well as intentionally impeding the PBMS SCTF officers by standing in the street and refusing to disperse. Additionally, while Captain Treubig noted that one of the videos inconclusively showed an unidentified PBMS SCTF officer, "potentially graze his shoulder against the shoulder" of § 87(2)(b) he concluded that the physical contact appeared inadvertent and incidental to the PBMS SCTF officer attempting to steer through a confined space. § 87(2)(b) received treatment for pain to the left side of his ribcage and left foot, but was not diagnosed with sustaining any critical injuries. § 87(2)(b) was discharged from § 87(2)(b) at approximately § 87(2)(b), where it was reported that he "walked out under his own power," without the need of assistance.

The investigation obtained a cell phone video that was posted on social media which captured a portion of this incident (**BR12**). A Snagit video clip was produced (**BR16**) to show the relevant section of the video, as described below.

The video clip begins (**BR16**) showing a group of SCTF officers parked on the far side of the street, while several civilians stand in front of them in the street. § 87(2)(b) seen dressed in a blue jean jacket that reads: "SPACE" across the back, blue jeans, white-and-blue sneakers, and a blue bandana, stands in the middle of the frame, facing toward the officers. At the 2-second mark, a SCTF officer attempts to drive down the street but is prevented by § 87(2)(b) standing over the double yellow lines in the middle of the street blocking their path. The SCTF stops in front of § 87(2)(b) who backs up slightly toward the camera, as a few civilians move up toward § 87(2)(b) and the SCTF officers drive into the street.

At the 8-second mark, a SCTF officer, identified through the investigation as PO Anthony Gonzalez of PBMS SCTF, is seen driving pulling up next to a male individual with dreadlocks, standing to the immediate left of § 87(2)(b) and stops just before them. Officers are heard repeatedly ordering the civilians to "get out of the street," honking their scooter horns, but § 87(2)(b) and the group of civilians remain in the street. At the 10-second mark, the SCTF officers begin slowly moving forward as § 87(2)(b) and the other civilians slowly begin moving backward toward the sidewalk. After the first SCTF officer maneuvers through crowd, passing closely by § 87(2)(b) and the other civilians off camera to the right, PO Gonzalez attempts to follow, wherein his scooter appears to make contact with the left side of § 87(2)(b)'s torso and shoulder, causing § 87(2)(b) to yell out. As PO Gonzalez drives away off camera right, § 87(2)(b) is heard, stating, "Yo this nigga just hit me with a bike!" At the 22-second mark, as the remaining SCTF officers drive away, § 87(2)(b) is seen walking with a limp, being assisted by another civilian, and periodically exclaims that he needs to go to the hospital, and that someone should call him an ambulance. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

PO Gonzalez stated (**BR13**) that, on November 21, 2020, at approximately 7:45 p.m., he and several additional officers assigned to the PBMS SCTF were conducting patrol in lower Manhattan, when they were ordered to respond to Washington Square Park to assist with a large group of protesters. Upon arrival, PO Gonzalez and the other SCTF officers parked near the intersection of Washington Square North and 5th Avenue, and after a few minutes, a group of approximately 15 civilians approached them. PO Gonzalez was positioned near the front of the group of SCTF officers, on the right-hand side next to the sidewalk and the approaching group of protesters. The SCTF supervisor directed PO Gonzalez and the other officers to relocate down the street, however, the group of protesters walked into the street, “got really, really close” to the officers, and stood directly in front of their vehicles preventing them from being able to move their scooters. PO Gonzalez added that there was no crosswalk at the location where the civilians were standing on the street, and that obstructing traffic is a summonsable offense. PO Gonzalez and the other SCTF officers honked their horns, ordered the civilians to move out of the street, and after a few moments, they were able to maneuver around the civilians. Although PO Gonzalez acknowledged he was the second officer to drive away, he initially denied witnessing any officer strike any civilian with their scooter, and did not recall personally striking, or making any other contact with any of the civilians standing in the street. PO Gonzalez added that when the group of civilians approached, they were “right on top” of him, and he was focused on trying to maneuver through the civilians without falling, and safely relocate as ordered. After relocating their scooters down the street, PO Gonzalez and the other SCTF officers were informed that § 87(2)(b) in the group, identified through the investigation as § 87(2)(b) had been struck by a vehicle. PO Gonzalez and the other officers returned to the scene, and called an ambulance to respond.

During his interview, PO Gonzalez was shown the cell phone video posted on social media (**BR16**). After reviewing the footage, PO Gonzalez identified himself as the officer seen on the left side of the screen closest to the group of civilians, and acknowledged that the video captures him making contact with § 87(2)(b) while operating his scooter as he drives away from the group of protesters. PO Gonzalez denied that he intentionally struck § 87(2)(b) while operating his scooter, and stated that the contact with § 87(2)(b) was inadvertent and incidental to attempting to maneuver safely through the chaotic situation. PO Gonzalez added that the video shows him brake in front of the civilians obstructing his path, and then turning his wheel away from the civilians in an effort to avoid making contact before driving away.

PO Gonzalez had no memo book entries related to this incident (**BR17 and 20**). He also did not prepare an accident report, nor any other documentation in regard to this incident.

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the second complaint in which § 87(2)(b) has been a party.
 - § 87(2)(g), § 87(2)(b)
- PO Gonzalez, a nine-year-member-of-service, has had five prior CCRB complaints filed against him, with a total of six allegations, none of which were substantiated (see Officer History). § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This case was not suitable for mediation.
- As of September 9, 2021, neither § 87(2)(b) nor an attorney on his behalf, have filed a Notice of Claim with the NYC Comptroller's office in regard to this incident (**BR22**).
- According to the NYC Office of Court Administration, § 87(2)(b) § 87(2)(b) (BR18).

Squad: 10

Investigator:	<u>Griffin Sherbert</u> Signature	<u>Griffin Sherbert</u> Print Title & Name	<u>09/29/2021</u> Date
Squad Leader:	<u>Eric Rigie</u> Signature	<u>IM Eric Rigie</u> Print Title & Name	<u>10/14/2021</u> Date
Reviewer:	<u></u> Signature	<u></u> Print Title & Name	<u></u> Date